

A Public Hearing was held November 10, 2005 at 7:30 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York. Proof of publication in the Alden Advertiser, the Elma Review and East Aurora Advertiser as well as posting it on the Official Bulletin Board of the Town was presented by the Town Clerk. Officials present were:

John R. Foss, Supervisor
Barbara Spanitz, Councilman
Fred Specht, Councilman
George Gertz, Councilman
Warren Handley, Councilman

Approximately (18) persons were in attendance. Supervisor Foss stated that the Public Hearing was called to order. The purpose of the hearing was to consider the new contract for the year 2006 with the Marilla Fire Company. The following general terms of said new contract shall be for fire protection to the Town of Marilla Fire Protection District:

- (a) The Marilla Volunteer Fire Company shall answer and attend all fire calls in said District.
- (b) For such services, the Marilla Volunteer Fire Company shall be paid a sum of \$222,325.00.
- (c) The Marilla Volunteer Fire Company shall maintain and operate its fire station at West Avenue, Marilla, New York.
- (d) The Marilla Volunteer Fire Company shall insure all of its equipment against all liability and shall protect the Town of Marilla from liability for any accident in which any fire company vehicle may be involved.
- (e) This contract shall continue until December 31, 2006.
- (f) Such other incidental terms as may be necessary or proper.

Supervisor Foss asked if there were any interested persons who desired to be heard. Hearing no comments from those in attendance, the hearing was closed at 7:34 p.m.

Respectfully Submitted,

_____ Town Clerk

Public Hearing
November 10, 2005

A Public Hearing was held November 10, 2005 at 7:35 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York. Proof of publication in the Alden Advertiser, the Elma Review and the East Aurora Advertiser as well as posting it on the Official Bulletin Board of the Town was presented by the Town Clerk. Officials present were:

John R. Foss, Supervisor
Barbara Spanitz, Councilman
Fred Specht, Councilman
George Gertz, Councilman
Warren Handley, Councilman

Approximately (18) persons were in attendance. Supervisor Foss stated that the Public Hearing was called to order. The purpose of the hearing was to review the Preliminary Budget for the year 2006 and to give citizens an opportunity to express their views concerning the budget or any part therein. Supervisor Foss asked if there were any interested persons who desired to be heard. Hearing no comments from those in attendance, the hearing was closed at 7:40 p.m.

Respectfully Submitted,

_____ Town Clerk

A regular meeting of the Marilla Town Board was held November 10, 2005 at 7:40 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York. Officials present were:

John Foss, Supervisor
Fred Specht, Councilman
George Gertz, Councilman
Warren Handley, Councilman
Barbara Spanitz, Councilman

Supervisor Foss called the meeting to order and the Pledge of Allegiance to the Flag was given.

Communications

None

Committee Reports

Highway Superintendent Dave Pierce reported that the Salt Shed is full and salt went up about \$2 a ton this year, plus the surcharge for the fuel which wasn't as bad as he thought it would be. He also reported that he was contacted by Rick Reed from Erie County Transportation, he informed him that the County is not plowing the State Roads anymore and he was asked if the Town would take back Old Porterville Hill. Last year we took back Porterville Road because the County didn't have a truck in the area so now we will also plow Old Porterville Hill.

Councilman Spanitz reported that the next Planning Board Meeting will be held on November 17th at 8:00 p.m. not 7:00 p.m.

Councilman Handley thanked the Lewinski Family for all of their help at the Veteran's Day Parade and a special thanks to Jeff Lewinski for putting together all of the groups and the program. The Memorial Pavilion Committee will be sponsoring a house decorating contest for the Christmas Tree Lighting Ceremony. Houses that will be eligible must be located north from the Community Center on Two Rod Road, east onto Bullis Road, south on Shannon Drive, west on East Avenue and then north west onto West Avenue and then east on Bullis Road and finally south onto Two Rod Road to the Community Center. We encourage residents to participate in decorating their houses and there will be prizes awarded. Kiwanis will be sponsoring the Tree Lighting Ceremony on December 3rd from 4:00 p.m. to 8:00 p.m. There are flyers being circulated for people to purchase bulbs, this event seems to grow every year, we have a good response from a lot of the youth groups.

Councilman Specht reported that Time Warner Cable will be dropping both game show networks and ovation from its digital service tour and there will be no reduction in rates.

Supervisor Foss reported that the Library funding is intact and we will be having our Town Attorney draw up a contract with the Library. The Town will be spending about 17 to 18 thousand dollars this year, this will enable the Library to keep its charter and remain open 35 hours a week and maintain its current services to the Community. The Library has had its charter since 1921, it must remain open 35 hours a week to keep the charter, if we drop below 35 hours and we lose the charter it's just a matter of time before they would close it.

Open Board Presentations From the Public

Resident Leona O'Brien from Timothy Lane stated to the Town Board Members and the Community that she wanted to thank them for the fine job that they have done for this community for the past year. This is a wonderful place to live because of the people and the many organizations in it: fire department, ladies auxiliary, the Historical Society, the Library, and the Kiwanis. The Planning Board and Board of Appeals are not easy jobs, she was one of the original members on the Planning Board appointed at that time by Supervisor Al Frisch. As a member of any Town Board you have to consider what is best

for the whole community. She had an occasion to be at a couple of meetings of the Zoning Board of Appeals and she was so proud and impressed on how they treated the gentleman that came in for a variance. They worked with him and advised him on what he could do and he was so grateful. The attitude that now that I live here I don't want anyone else to move in is not in the best interest of our town. If there are no cars going down the road there is no business and the community will die, you must have some progress in an orderly and planned way and we have done that over a long period of time. We need young people, older people, new people and the people who have lived here all their lives and love this town. Our assessors and our highway department are the best. We are not perfect but when you do your best, not for yourself but for the whole town you are a great asset to this community. We have so much to be proud of and she thanked everyone for their love and support for her family this past year.

Old Business

Motion: Councilman Specht moved, seconded by Councilman Spanitz to approve Minutes from the Public Hearings held on 10/13/05 and the Regular Meeting held on 10/13/05 and the Special Meeting held on 10/18/05. Motion Carried.

New Business

Motion: Councilman Spanitz moved, seconded by Councilman Gertz to authorize the Supervisor to sign the Firemen's Contract for the Year 2006 in the amount of \$222,325.00. Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Specht to adopt the preliminary budget as the final budget for 2006. Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Handley to approve a resolution honoring Robert W. Waver III and Brian W. Thompson, for having completed the requirements for, and having been examined by an Eagle Scout Board of Review, were found worthy of the rank of Eagle Scout. Motion Carried.

Report of Town Officials

Town Engineer Marie Nowak reported that she had spoke to Darla Granger from Rural Development she didn't have an answer on funding for Water District V, she said all the projects that are on the waiting list for funding are under review again. Hopefully by the end of the year we should have an answer on whether or not the project will get funded. Due to the resolution we passed last month where the Town of Bennington had asked for water through Water District IV, Town of Alden Engineer contacted her asking about their proposed water district which would be an extension from Marilla's proposed water district V. She explained to Alden that like Bennington if they are going to hook up to the water district they will be responsible for paying for their part of the tank. The Engineer from Alden was worried that Alden was being left out and she assured him nothing is done and suggested Alden send a letter to Marilla to start things moving.

Building Inspector John Fronczek submitted a written report with 12 building applications received totaling fees of \$1,714.00 building permits issued with a value of \$541,200.00, 9 inspections were made, and 4 complaints were acted on. One stop work order was issued. A total of 160 acts of official business were made for the month of October.

Town Attorney Nathan Neill reported that he had also received a call from the Town of Alden Attorney thinking they were being shut off from the water. He stated that they have to be ready to be served.

The Planning Board minutes have been received and posted.

Conservation Advisory Board minutes have been received and posted.

Hubert Kutter reported that the Museum is still displaying the 50th Anniversary of Iroquois Central School until November 20th . They have received favorable comments and recently received a donation of an athletic jacket from Carl Gee it was the only white one issued from Iroquois from 1957-58. He also received an e-mail from a girl by the name of Gretchen wanting information on writing and photography applying to the history of a small town. After replying to her with information he found out she was a high school student in Los Angeles, California, he's not quite sure how she found him.

Open Board Presentations

Councilman Gertz reported that a couple of weeks ago he spoke with several residents in the parking lot and he wanted to respond to their questions pertaining to the Town Clerk's responsibilities with the minutes. He assured them he looked into it and according to New York State Law and Town Law the Town Clerk is only required to keep accurate records of events, happening and propositions for the minutes of the meeting and a record or summary not verbatim notes is required of such official action. He explained she is not only doing her job but going beyond by recording comments that people do make but she is not required to write down every single word that is said. He also wanted to thank the voters who supported him in Tuesday's election. Their overwhelming support for him and other Town Officials who were re-elected shows that the general population approves of the state the Town is in and the overall direction that we are headed in. As elected officials, we must listen to all sides and make our decisions based on the facts and what is best for the Town, and not be pressured by any individual, business or special interest group. Thank you again for your support and the confidence that you have shown in him.

Supervisor Foss stated that wanted to thank the voters, he believes this was one of the largest victories he has ever won by. He thinks this a resounding yes to the way we conduct business. He thanked Leona O'Brien for the nice things that she said and feels Marilla is a wonderful town. There will be some changes but he likes it the way it is and he doesn't want it to change a whole lot.

All claims have been previously reviewed by Councilman Gertz and Councilman Handley.

Motion: Councilman Gertz moved, seconded by Councilman Handley to approve the claims as follows:

General Fund Claims, Vouchers 484-547	\$	31,805.34
Highway Fund Claims, Vouchers 183-196	\$	21,539.35
Special Districts		
Sanitation (SR), Vouchers 101-112	\$	15,996.22
Special Fire, Voucher	\$.00
Water District #2, Vouchers 25-26	\$	2,056.65
Water District #3, Voucher 15	\$	1,353.00
Water District #4, Voucher 11	\$	817.40
Community Development PACE 10	\$	189,332.00
Community Develop. HUD	\$.00

Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Handley to adjourn the meeting at 8:00 p.m. Motion Carried.

Respectfully Submitted,

____ Town Clerk _____ Supervisor
____ Councilman _____ Councilman
____ Councilman _____ Councilman